

PLANNING COMMISSION MINUTES

July 31, 2002

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen and Dan Maks. Planning Commissioner Shannon Pogue was excused.

Senior Planner Alan Whitworth, Associate Planner Tyler Ryerson, Senior Transportation Planner Don Gustafson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

PUBLIC HEARINGS:

A. SALEM COMMUNICATIONS BROADCAST TOWER

The proposed development is generally located west SW Oleson Road and east of SW Scholls Ferry Road on the north side of SW Vermont Street. The development site is specifically identified as Tax Lot 4000 of Washington County Tax Assessor's Map 1S1-13DC. The affected parcel is zoned Urban Standard Density (R-7) and totals approximately 12.8 acres in size.

1 1. **CUP 2001-0033: Conditional Use Permit**

2 The applicant requests Planning Commission approval of a Conditional
3 Use Permit (CUP) to place a second AM radio broadcast tower upon the
4 subject site. A Conditional Use Permit is required in order to locate a
5 utility facility within the R-7 zone. The proposed AM radio broadcast
6 tower is a utility facility. A decision for action on the proposed
7 development shall be based upon the approval criteria listed in Section
8 40.05.15.2.C. of the City's Development Code.

9
10 2. **TPP 2002-0003 : Tree Preservation Plan**

11 The applicant requests Tree Preservation Plan (TPP) approval in order to
12 remove trees and impact significant natural resources on the subject site.
13 The proposed TPP will affect one (1) City designated Significant Grove,
14 NX-03, which contains significant trees and natural resources. Pursuant to
15 Section 40.75.15.1.A.3 & 4, the Planning Director has determined that the
16 proposed TPP is within the jurisdiction of the Planning Commission's
17 review. The Planning Commission will review the overall design of this
18 request. A decision for action on the proposed development shall be based
19 upon the approval criteria listed in Section 40.75.15.1.C.3.a and
20 40.75.15.1.C.4.a & b of the City's Development Code.

21
22 Observing that staff approves of the request by the applicant for a continuance of
23 these items, Associate Planner Tyler Ryerson noted that a Memorandum, dated
24 July 31, 2002, had been distributed with regard to the projected schedule for these
25 applications and recommended that the items be continued to October 16, 2002.

26
27 Commissioner Barnard **MOVED** and Commissioner Johansen **SECONDED** a
28 motion that CUP 2001-0033 – Salem Communications Broadcast Tower
29 Conditional Use Permit be continued to a date certain of October 16, 2002.

30
31 Motion **CARRIED**, unanimously.

32
33 Commissioner Barnard **MOVED** and Commissioner Johansen **SECONDED** a
34 motion that TPP 2002-0003 – Salem Communications Broadcast Tower Tree
35 Preservation Plan be continued to a date certain of October 16, 2002.

36
37 Motion **CARRIED**, unanimously.

38
39 7:05 p.m. – Mr. Ryerson left.

40
41 **OLD BUSINESS:**

42
43 Chairman Voytilla opened the Public Hearing and read the format for Public
44 Hearings. There were no disqualifications of the Planning Commission members.
45 No one in the audience challenged the right of any Commissioner to hear any of
46 the agenda items, to participate in the hearing or requested that the hearing be

1 postponed to a later date. He asked if there were any ex parte contact, conflict of
2 interest or disqualifications in any of the hearings on the agenda. There was no
3 response.

4
5 **CONTINUANCES:**

6
7 **A. RZ 2001-0014 - SW HOCKEN AVENUE/SW JENKINS ROAD LAND USE**
8 **MAP AMENDMENTS AND REZONE**

9 (Continued from July 24, 2002)

10 This proposal is to amend the Zoning Map to designate four parcels that have
11 been annexed into the City, by a separate process, Community Service (CS) in
12 place of the current Washington County designation of Industrial on the County's
13 Cedar Hills – Cedar Mill Community Plan, with an Interim Light Rail Station
14 Area Overlay District. These parcels are identified as Lots 15201 and 15300 on
15 Washington County Assessor's Map 1S1-09AC, and Lots 0200 and 0300 on
16 Washington County Assessor's Map 1S1-09DB.

17
18 Commissioner Barnard disclosed that he had worked with the *C. E. John*
19 *Company* through his employer, *Safeway Company*.

20
21 Commissioners Maks, Barnard, Bliss and Johansen and Chairman Voytilla
22 indicated that they had visited the site and had no contact with any individual(s)
23 with regard to this application.

24
25 Senior Planner Alan Whitworth pointed out that the concerns expressed by the
26 Planning Commissioners at the previous meeting had been related to traffic,
27 noting that Senior Transportation Planner Don Gustafson would address these
28 issues.

29
30 Observing that the previous meeting had been continued in order to allow staff to
31 respond to certain questions, Senior Transportation Planner Don Gustafson
32 referred to a Memorandum from Brandon Nevers of *Kittelson & Associates, Inc.*,
33 dated July 29, 2002, observing that copies of this correspondence had been
34 distributed. He briefly discussed this document, which responds to questions
35 regarding the operational analysis of the intersection of SW Cedar Hills
36 Boulevard and SW Jenkins Road and the intersection of SW Jenkins Road and
37 SW Hocken Avenue. Concluding, he offered to respond to questions.

38
39 Expressing appreciation to Mr. Gustafson for providing this information in a
40 timely manner, Commissioner Maks referred to the Memorandum from Mr.
41 Nevers and requested information with regard to the current level of service at
42 these intersections, rather to the projected level of service for the year 2020.

43
44 Mr. Gustafson responded that he does not have this information, observing that
45 staff had requested only the projection.
46

1 Commissioner Maks pointed out that he would like to consider the current level
2 of service compared with the projected level of service with the proposed zone
3 changes.

4
5 Mr. Gustafson advised Commissioner Maks that he believes that the intersection
6 of SW Cedar Hills Boulevard and SW Jenkins Road currently operates at the level
7 of service "D", adding that he is not certain of the vehicle count.

8
9 Commissioner Maks pointed out that he had requested this information out to the
10 year 2020, observing that this would include from the current date until 2020, and
11 mentioned that staff has the option of identifying intersections of concern.

12
13 Mr. Whitworth noted that a Traffic Study should indicate the difference between
14 what would be allowed and what Washington County had already allowed under
15 their Industrial zoning designation.

16
17 Commissioner Maks emphasized that he would like clarification of the impact of
18 this designation today, and not only in the year 2020.

19
20 **PUBLIC TESTIMONY:**

21
22 **MARK PERNICONI**, representing the *C. E. John Company*, provided additional
23 background information with regard to the parcels identified in the application,
24 observing that the four parcels equal approximately 18 acres in size. He pointed
25 out that the original development agreement between *Tektronix* and Washington
26 County had provided for a limit of 175,000 square feet of development, without
27 any additional Traffic Studies or mitigation required. Observing that this had
28 occurred prior to any knowledge of the extent of the wetland issues on the parcels,
29 he noted that since that time, the wetlands have been mitigated and consolidated
30 into what is now referred to as Tract "H", which is one of the four parcels that is
31 now being annexed into the City of Beaverton. He expressed his opinion that the
32 usable land on the site is probably close to 11 or 12 acres, adding although that
33 the maximum development that would be allowed on those site with the Industrial
34 zoning designation would be 105,000 square feet, the maximum development for
35 retail development would be approximately 90,000 to 94,000 square feet, due to a
36 greater amount of parking requirements for retail use.

37
38 Mr. Whitworth indicated that he had no further comments with regard to this
39 application.

40
41 Assistant City Attorney Ted Naemura indicated that he had no comments with
42 regard to this application.

43
44 The public portion of the Public Hearing was closed.
45

1 Commissioner Bliss expressed his appreciation of Commissioner Maks' insight
2 with regard to this application, expressing his opinion that the proposal meets
3 applicable criteria with the exception of those addressing traffic issues.
4 Observing that he feels somewhat reserved and undecided with regard to a
5 decision on this application at this time, he pointed out that he would prefer to
6 hear the comments of his fellow Commissioners prior to making a decision.

7
8 Commissioner Maks mentioned that while he honestly feels that this intersection
9 is still operating at the 2000 Level of Service "D" and that there would not be an
10 issue, due to the lack of sufficient information with which to approve this
11 application, he could not vote to support a motion for approval, adding that he
12 would like to continue the hearing.

13
14 Observing that he had not been in attendance at the previous meeting where this
15 application had been originally been discussed, Chairman Voytilla pointed out
16 that because he has not had an opportunity to review the tapes, he would abstain
17 from voting on this issue.

18
19 Commissioner Johansen expressed his opinion that sufficient information with
20 regard to this problem intersection had not been provided, adding that he would
21 also like to continue the hearing.

22
23 Commissioner Barnard stated that Commissioner Maks' concerns are valid,
24 adding that he appreciates the comments of Mr. Perniconi with regard to the
25 original approved by Washington County without the benefit of a Traffic
26 Analysis.

27
28 Mr. Gustafson pointed out that Traffic Studies had been done, emphasizing that
29 the approval had been granted without any *additional* traffic study. He explained
30 that if this industrial property is not rezoned to commercial, the difference would
31 be no level of service change, adding that additional traffic could still be
32 generated by any development that could occur with the current zoning.

33
34 Commissioner Maks interjected that this is not true at this intersection.

35
36 Mr. Gustafson explained that the difference of approximately 0.01 is very
37 negligible.

38
39 Mr. Whitworth clarified that without any changes in the zoning designation, the
40 City of Beaverton would honor the approvals of Washington County.

41
42 Commissioner Maks commented that while the 0.01 difference is very negligible,
43 based on the situation in the year 2020, with five lanes, he is not comfortable
44 voting in favor of a rezone when it can not be demonstrated that this intersection
45 could actually operate at a Level of Service "E".
46

1 Commissioner Barnard expressed his agreement with Commissioner Maks'
2 concerns, observing that although they are very valid, it is necessary to accept
3 responsibility for continuing this hearing without an appropriate amount of time
4 to obtain all necessary information.

5
6 Commissioner Maks emphasized that a Level of Service "F" is not acceptable.

7
8 Commissioner Bliss stated that while 0.01 is not much, the ratio could be greater
9 when compared to the total aggregate of traffic in the year 2020.

10
11 Commissioner Johansen questioned whether staff could provide the necessary
12 information in one week.

13
14 Mr. Gustafson agreed that staff could provide the necessary in one week,
15 observing that denial of the rezone would not prevent this development from
16 occurring with virtually the same traffic volume.

17
18 Commissioner Maks stated that the original Traffic Analysis indicates a
19 significant difference between the proposed zoning designation and the current
20 zoning designation, noting that Office Commercial (OC) is known as the greatest
21 transit generators. He emphasized that all of his decisions are based upon the
22 information he has available to him, rather than conjecture.

23
24 Commissioner Johansen **MOVED** and Commissioner Bliss **SECONDED** a
25 motion that RZ 2001-0014 – SW Hocken Avenue/SW Jenkins Road Rezone be
26 continued to a date certain of August 7, 2002, to obtain additional traffic
27 information with regard to the level of service and vehicular count for the two
28 subject intersections.

29
30 On question, Mr. Gustafson indicated that staff would be able to provide this
31 information the following week.

32
33 Motion **CARRIED**, unanimously, with the exception of Chairman Voytilla, who
34 abstained from voting on this issue.

35
36 **MISCELLANEOUS BUSINESS:**

37
38 At the request of Commissioner Maks, the Work Session scheduled for August
39 14, 2002, was rescheduled for August 21, 2002.

40
41 The meeting adjourned at 7:48 p.m.